

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK ISAACS, No. 036429437

Petitioner,

v.

JANET NAPOLITANO,

Respondent.

No. 13-cv-00039-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

The petitioner, Mark Isaacs, is an inmate currently incarcerated at the Tri County Jail in Ullin, Illinois. Petitioner is seeking a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. 1) challenging the constitutionality of his confinement. Without commenting on the merits of the petitioner's claims, the Court concludes that the petition survives preliminary review under Rule 4 and Rule 1 (b) of the Rules Governing Section 2254 Cases in United States District Courts.¹

¹ Rule 1 (b) of those Rules gives this Court the authority to apply the rules to other habeas corpus cases.

IT IS HEREBY ORDERED that the respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the government from making whatever waiver, exhaustion, or timeliness arguments it may wish to present. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) advised of his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. *See Fed. R. Civ. P.* 41(b).

Petitioner is further **WARNED** that he has exceeded the time that the Court in the Northern District of Illinois granted him to pay his filing fee of \$5.00. Petitioner was past due when the case was transferred to this district and now

petitioner is more than more than a month overdue paying his filing fee. **If the filing fee is not paid by March 7, 2013, this case will be dismissed.**

IT IS SO ORDERED.

Signed this 11th day of February 2013.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2013.02.11
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**Chief Judge
United States District Court**